
Fitness to Practise Committee

Public minutes of the ninth meeting of the Fitness to Practise Committee held as follows:

Date: Thursday 24 May 2012

Time: 10:30 am

Venue: The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

Members: Pradeep Agrawal
Jennifer Beaumont
John Donaghy
Julia Drown
Morag MacKellar
Penny Renwick
Keith Ross (Chair)
Annie Turner
Neil Willis

In attendance:
Alison Croad, Policy Officer
Brian James, Head of Adjudication
Kelly Johnson, Director of Fitness to Practise
Zoe Maguire, Head of Investigations
Steve Rayner, Secretary to the Committee
Marc Seale, Chief Executive

Part 1 – Public Agenda

Item 1 Chair's welcome

- 1.1 The Chair welcomed members to the Committee.

Item 2 Apologies for absence

- 2.1 Apologies were received from Malcolm Cross and Deep Sagar.

Item 3 Approval of agenda

- 3.1 The Committee approved the agenda.

Item 4 Declaration of members' interests

- 4.1 The Chair declared an interest in item 12 (CHRE learning points). At the time of the meeting, the Chair's wife was a member of the Commission for Health Regulatory Excellence (CHRE). The Committee did not consider that this precluded the Chair from discussions.

Item 5 Minutes of the meeting of 22 February 2012 (FTP 12/12)

- 5.1 The minutes were accepted as a correct record and signed by the Chair.

Item 6 Matters arising (FTP 13/12)

- 6.1 The Committee received a paper to note from the Executive summarising actions taken against matters arising from previous meetings.
- 6.2 The Committee noted the actions.

Item 7 Director of Fitness to Practise report (FTP 18/11)

- 7.1 The Committee received a paper for discussion from the Executive providing a summary of the work of the Fitness to Practise Department (the Department) from January to May 2012. The paper did not include key statistical data on the fitness to practise (FTP) process on this occasion, as this data was included in the annual report, to be discussed at item 8.
- 7.2 The Committee discussed key activities for the Department, during which discussion, the following points were raised:

Social Workers Transfer

- 7.2.1 The HPC was continuing to provide advice and guidance to the GSCC on the management of case files. It was anticipated that GSCC would stop activity on case files over the course of July with open files transferred to the HPC over that month. HPC would then be able to start

to undertake preparatory work for when the register opened on 1 August 2012 as appropriate

- 7.2.2 The Committee noted that the transfer order was currently being drafted and provided for provisions in respect of fitness to practise case work
- 7.2.3 The Committee noted that the relationship with the GSCC conduct team was working very well. The leads for this at the GSCC were Alison Lowton and Claire Cooper.
- 7.2.4 From studying the GSCC caseload; the indication was that the range of cases was broadly similar in complexity to those of the professions already regulated by the HPC. Ongoing work with the GSCC, and particularly the preparatory work on cases in July, would increase the understanding of what to expect.
- 7.2.5 A comprehensive training programme was in place for training the FTP team. This included specific training on quasi-judicial issues; and in partnership with MIND on dealing with complainants with particular needs.
- 7.2.6 The Committee expressed its confidence in the robustness of the approach undertaken by the Department and the Director of Fitness to Practise in overseeing the transfer of cases.

Recruitment, induction and training

- 7.2.7 The Committee noted that recruitment in advance of the transfer of the register for social workers in England was now complete for Lay Partners. Recruitment for Panel Chairs was nearing completion, and would begin shortly for legal assessors. This had involved a number of Committee members and the Hearings Manager, Jonathan Dillon. Training sessions for Social worker Panel members had been held in the week prior to the meeting.
- 7.2.8 Final interviews for vacancies resulting from the Department's restructure would be held in the week of the meeting. The Committee noted the steps being undertaken to maintain standards within the department.
- 7.2.9 A team meeting structure, including monthly thematic training of case managers was in place. Direct reports had been kept at four to five per line manager throughout the department to ensure that managers remained accessible and available for coaching, advice and feedback.
- 7.2.10 In addition to inductions and ongoing training, each employee was required to undertake a continuing cycle of re-induction. During this re-induction each employee spent time with other parts of the department, to ensure that they have an understanding of the complete process.

7.2.11 A responsibility of the new assurance and development team would be to identify, develop and promote existing good practice from outside and within the department.

Olympics

7.2.12 As mitigation against anticipated transport and accommodation disruption resulting from the Olympic Games in London, where possible the Department had scheduled hearings to take place before and after the games.

7.2.13 Where hearings were due to take place during the games, effort had been made to ensure transport had been planned accordingly, and accommodation booked in advance.

7.3 The Committee noted the Director's report.

Item 8 Fitness to Practise annual report 2011-2012 (FTP 15/12)

8.1 The Committee received a paper for discussion/approval from the Executive setting out the HPC Fitness to Practise annual report 2011-2012. The report included an appendix setting out data collected in previous years.

8.2 The Committee noted that the report would be subject to the HPC publications process before being finalised, which included editing and standardisation of terms and diagrams.

8.3 The Committee noted that the caseload remained low in comparison to other regulators, with 0.42% of registrants subject to fitness to practise concerns. The increase of 2.2% in the number of cases was in line with a growth in the size of the register.

8.4 The Committee noted that employers were once again the largest group of complainants.

8.5 The Committee noted that, whilst it was important to ensure that the report was clear and accessible, the majority of these audiences for this particular report would be involved in the health and care or regulatory environment. It would be important to ensure that the value of technical data and analysis would not be lost by making documents accessible

8.6 The Committee recommended that the following points should be considered before publication:

8.6.1 On page 16, it may be useful to provide further data to the types of offence leading to conviction to indicate the frequency of notifications regarding each offence.

- 8.6.2 On page 11, Graph 1 should be revisited. The scale of the current Graph showing the correlation between the size of the register and number of allegations suggested that the level of allegations had reached a threshold point, when this was not the case.
 - 8.6.3 Consideration should be given to consolidating more of the commentary from the main part of the report into the executive summary. For instance an explanation could be added of the HPC's approach in relation to restorative justice.
 - 8.6.4 The executive summary could also highlight some of the positive messages about the performance of the Department, including the reduction in time to final hearing against an increasing caseload; that costs were under control and so on.
 - 8.6.5 The statistic from page 27 – that hearings where allegations were well founded only concerned 0.12% of the register – should be used more frequently by HPC.
- 8.7 The Committee recommended that, subject to minor editing changes, the Council should approve the FTP annual report 2011-2012.

ACTION: **Director of Fitness to Practise** to present the report to the Council meeting of 5 July 2012.

Item 9 Audit of final fitness to practise decisions (FTP 16/12)

- 9.1 The Committee received a paper for discussion/approval from the Executive providing an analysis of an audit of final fitness to practise decisions made between September 2011 and March 2012.
- 9.2 This was the fourth audit, which was developed to be presented to the Committee on a regular basis as a quality assurance mechanism and to inform improvements to the process by the Department. The Committee had considered the first three audits, covering April 2010 to August 2011, at previous meetings.
- 9.3 The review provided statistics and analysis of data collected in respect of each investigating Committee decision, and identified emerging themes, policy issues and learning points and recommendations for the Committee to consider.
- 9.4 The Committee noted the conclusions of the auditor: that procedural advice provided for fitness to practise panels had generally been followed; and that procedural issues identified by the last review had seen improvement.
- 9.5 The Committee noted that some areas for the review were similar to the learning point reviews undertaken by the CHRE. The Committee noted that it may be useful to cross check the results of the two audits.

- 9.6 The Committee noted the ongoing work planned by the Department as a consequence of the review. The Committee noted that the review was evidence that the HPC was committed to implementing effective quality assurance mechanisms.

Item 10 Adjourned/part heard/cancelled final hearings (FTP 17/12)

- 10.1 The Committee received a paper for discussion/approval from the Executive providing an audit of hearings which took place between April 2011 and May 2012 but which did not conclude as expected.
- 10.2 The review had been requested by the Committee at its meeting of 21 October 2010, and provided an analysis of the hearings, along with information on what steps that had been taken to increase the amount of cases which concluded within the days allocated.
- 10.3 The analysis of data collected in the report was an important mechanism by which the Department could identify areas within the process the HPC were able to improve. For example advice and guidance had been updated and redrafted in order to decrease the number of adjourned cases.
- 10.4 The Committee noted that, whilst the percentage of cases not concluding as expected was not falling, the HPC's response must be reasonable and proportionate. It was important to continue auditing the process, as further data would give a clearer picture as to whether this was a norm. It may also be useful to compare the figures to data from other judicial and quasi-judicial settings.
- 10.5 The Committee approved the report, and agreed that the Executive continue to monitor final hearings that are adjourned, part heard and cancelled.

Item 11 Not well founded case review (FTP 18/12)

- 11.1 The Committee received a paper for discussion/approval from the Executive providing an analysis of cases where a Panel had determined that allegations against a registrant were not adequately substantiated (based on sound judgment, reasoning, or evidence).
- 11.2 This was the third such review. The Committee considered similar audits, at its meetings of 21 October 2010 and 26 May 2011. The review was undertaken to monitor decisions taken by Panels, and to provide outcomes which could be used to improve understanding of the FTP process, and to assist Panels in decision making.
- 11.3 The Committee noted that a 94% of cases involving registrants who chose to be represented at final hearings concluded with not well founded decisions. This compared to 89% of cases involving registrants who chose not to be represented.

11.4 The Committee approved the paper FTP 18/12, including recommendations for continuing work to ensure that, wherever possible, only appropriate allegations reach the final stage.

Item 12 CHRE learning points (FTP 19/11)

12.1 The Committee received a paper to note from the Executive providing a review of learning points received from CHRE in reviewing final decisions of Panels of the Conduct and Competence Committee and Health Committee.

12.2 The report summarised the types of learning points received between April 2011 and March 2012, and described the actions taken by the Executive to mitigate future occurrences.

12.3 The Committee noted that the Department would be undertaking random audits on cases. An objective of these audits would be to identify thematic issues within the process. The CHRE learning points would help to target these reviews by identifying areas of the process on which to focus.

12.4 The Committee noted the report.

Item 13 Transfer of regulatory functions from the GSCC to HPC (FTP 20/12)

13.1 The Committee received a verbal update from the Chief Executive regarding the regulation of social workers in England project.

13.2 At the Council meeting on 14 October 2010, the Council agreed that there would be a standing item on every Council and Committee agenda, whereby the Executive would update the meeting on the progress of the project. As the project was developing rapidly, a verbal report on progress would be made to each meeting.

13.3 With nine weeks left the final stages of many of the work-streams of the process were nearing their conclusion. In relation to Fitness to Practise the arrangements for transition were progressing well and there were currently no major concerns identified.

Item 14 Case management system (FTP 21/12)

14.1 The Committee received a paper to note from the Executive regarding the project to create an automated case management system to enable the department to work in a more efficient and integrated manner.

14.2 The Committee noted that the system had now been launched, and had proved functional from the outset. Given the scale of the project this was a significant achievement.

14.3 The Committee expressed its appreciation to all those who were involved in the design and delivery of the case management system

14.4 At the conclusion of the meeting the Committee were given a demonstration of the system.

Item 15 Any other business

15.1 There were no additional items for consideration this day.

Item 16 Date and time of next meeting:

16.1 10.30am on Thursday 11 October.

Chair:

Date: